REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 16-21, 25-26, 35-40, 42, 44, 46-56, 58, and 60-63 were pending in the application, of which Claims 16, 35, and 49 are independent. In the Office Action dated September 15, 2009, Claims 16-21, 25-26, 35-40, 42, 44, 46-55, 58, and 60-63 were rejected under 35 U.S.C. § 103(a) with Claims 21, 54, and 56 being canceled without prejudice or disclaimer. Applicants hereby address the Examiner's rejections in turn.

I.   Change to Attorney Docket Number

Please note that the Attorney Docket Number for this application is now 60374.0130US01/A-7485.

II.   Objection to the Claims

In the Office Action dated September 15, 2009, the Examiner objected to Claims 21 and 54 as containing various informalities. Claims 21 and 54 have been canceled without prejudice or disclaimer rendering this objection moot.

III.   Rejection of Claims Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 16-21, 35-36, 39-40, 42, 49, 52-54, 58, 61, and 63 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,112,239 ("*Kenner*") in view of U.S. Patent No. 6,604,241 ("*Haeri*") further in view of U.S. Patent No. 6,154,444 ("*Masuo*"). Claims 25-26, 37-38, and 50-51 were rejected

under 35 U.S.C. § 103(a) as being unpatentable over *Kenner* in view of *Haeri* in view of *Masuo* and further in view of U.S. Patent No. 6,889,385 ("*Rakib*"). Claims 44, 46-47, 60, and 62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kenner* in view of *Haeri* in view of *Masuo* and further in view of U.S. Patent No. 6,813,639 ("*Nobakht*"). Claims 48 and 56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kenner* in view of *Haeri* in view of *Masuo* and further in view of U.S. Patent No. 5,913,039 ("*Nakamura*"). Claim 55 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kenner* in view of *Haeri* in view of *Masuo* and further in view of U.S. Patent No. 6,886,029 ("*Pecus*").

Claims 16, 35, and 49 have been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter. Claim 16 is patentably distinguishable over the cited art for at least the reason that it recites, for example "the dynamic network information table including to separate subtables comprising...the device-specific subtable including an identifier specific to the transport stream...the upstream subtable including a link status for each of the one or more devices positioned in the digital subscriber network upstream with respect to the first device." Independent Claims 35 and 49 each include a similar recitation. Support for these amendments can be found in the specification at least in paragraphs [0121] through [0123].

Kenner fails to teach or suggest the aforementioned recitation. *Kenner* states that a "correlation can be drawn between a user's IP address and a delivery site that offers better data delivery performance", and that the "correlated data is used to produce a look-up table". (*Kenner*, 16:37-41). In particular, *Kenner* states that the

"look-up table is formed comprising a list of first-byte IP addresses numbering 0-255, and for each address, a list of delivery sites providing improved performance for users having corresponding IP addresses". (*Kenner*, 17:24-28). Upon a user request in *Kenner*, a "redirection server analyzes the user's IP address and examines the list of potential delivery sites on the look-up table to determine what delivery site or sites are correlated with the user's IP address". (*Kenner*, 18:20-23). The system of *Kenner* may also "subdivide[] the look-up table into smaller sublists with a given range of addresses" and "download (step 142) to the user a small file containing the sublist". (*Kenner*, 18:61-19:1). Nowhere in *Kenner* does it disclose a dynamic network information table including to separate subtables comprising a device-specific subtable and an upstream subtable where the device-specific subtable includes an identifier specific to a transport stream and the upstream subtable includes a link status for each of one or more devices positioned in a digital subscriber network upstream with respect to a first device.

Haeri fails to remedy the deficiencies of *Kenner*. *Haeri* appears to discuss communicating network information using protocols based on Universal Resource Locators (URLs), including the use of EIGRP (Enhanced Interior Gateway Routing Protocol) with URLs. (*Haeri*, 14:64-16:36). Nowhere in *Haeri* does it disclose a dynamic network information table including to separate subtables comprising a device-specific subtable and an upstream subtable where the device-specific subtable includes an identifier specific to a transport stream and the upstream subtable includes a link status for each of one or more devices positioned in a digital subscriber network upstream with respect to a first device.

Furthermore, *Masuo* does not overcome *Kenner's* and *Haeri's* deficiencies. *Masuo* merely discloses that in a connection-oriented network, a route table and a network resource table are provided in a source node which updates the network resource table in response to a topology state message which is flooded through the network whenever there is a change in the available network resources. (*See* abstract.) Like *Kenner* and *Haeri, Masuo* at least does not teach or suggest a dynamic network information table including to separate subtables comprising a device-specific subtable and an upstream subtable where the device-specific subtable includes an identifier specific to a transport stream and the upstream subtable includes a link status for each of one or more devices positioned in a digital subscriber network upstream with respect to a first device.

Likewise, *Nakamura* fails to remedy the deficiencies of *Kenner, Haeri*, and *Masuo*. *Nakamura* merely discloses generating and transmitting alert messages. (*Nakamura*, 10:28-11:13). Nowhere in *Nakamura* does it disclose a dynamic network information table including to separate subtables comprising a device-specific subtable and an upstream subtable where the device-specific subtable includes an identifier specific to a transport stream and the upstream subtable includes a link status for each of one or more devices positioned in a digital subscriber network upstream with respect to a first device.

For at least the reason that *Kenner, Haeri, Masuo*, and *Nakamura* fail to disclose, teach, or suggest "the dynamic network information table including to separate subtables comprising...the device-specific subtable including an identifier specific to the transport stream...the upstream subtable including a link status for each of the one or

-14-

more devices positioned in the digital subscriber network upstream with respect to the first device," Applicants respectfully submit that *Kenner, Haeri, Masuo,* and *Nakamura* do not anticipate Claim 16. Claims 35 and 49 contain similar recitations. Therefore, Applicants request that the rejection of Claims 16, 35, and 49 be withdrawn.

Dependent Claims 17-20, 25-26, 36-40, 42, 44, 46-48, 50-53, 55, 58, and 60-63 are also allowable at least for the reasons described above regarding independent Claims 16, 35, and 49 by virtue of their respective dependencies upon independent Claims 16, 35, and 49. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 17-20, 25-26, 36-40, 42, 44, 46-48, 50-53, 55, 58, and 60-63.

IV.   Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge

any additional required fees to our deposit account 13-2725

Respectfully submitted,

MERCHANT & GOULD P.C.

P.O. Box 2903
Minneapolis, MN 55402-0903
404.954.5066

/D. Kent Stier/

Date: December 15, 2009

_____

D. Kent Stier
Reg. No. 50,640

DKS:mdc

62658
PATENT TRADEMARK OFFICE